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## CERTIFICATE OF MAILING (37 CFR 1.8(a))

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Date:

November 13, 2006 *Lynnea B. Kennelly*  
Lynnea B. Kennelly

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: *Schultz et al.*

SERIAL NO.: 09/740,615

FILED: December 18, 2000

FOR: **PLASMON RESONANT PARTICLES,  
METHODS AND APPARATUS**

EXAMINER: Lam, A.

ART UNIT: 1641

CONFIRMATION No. 1773

Amendment to Appeal Brief Transmittal

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. 41.37 mailed on 10/31/2006, enclosed herewith is the following:

- ☒ Amendment to Appeal Brief submitted in triplicate.
- ☒ No fees are believed to be due with this communication. However, the Commissioner is hereby authorized to charge and underpayment for timely consideration of this submission to Deposit Account No. 50-2207.
- ☒ Applicant petitions for an Extension of Time if necessary for timely filing of this Communication.

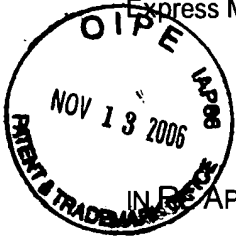
Respectfully submitted,

Date:

Nov 10, 2006

*Peter J. Dehlinger*  
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Customer No. 22918  
Ph: 650 838-4401



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Schultz *et al.*

APPLICATION No.: 09/740,615

FILED: DECEMBER 18, 2000

FOR: **PLASMON RESONANT PARTICLES,  
METHODS AND APPARATUS**

EXAMINER: LAM, A.

ART UNIT: 1641

CONFIRMATION No: 1773

**AMENDMENT TO APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is filed under C.F.R. §41.37, for the purpose of bringing the Appeal Brief filed October 17, 2006 in the above-entitled patent application into compliance with 37 CFR §41.37(c)(1)(iii) and 37 CFR §41.37(c)(1)(x). In accordance with MPEP 1205.03, this amendment only provides a statement of the status of all claims as required by C.F.R. §41.37(c)(1)(iii) and an Appendix C as required by 37 CFR §41.37(c)(1)(x).

**STATEMENT OF THE STATUS OF ALL CLAIMS**

Claims 1-18, and 30-56 were cancelled by preliminary amendment on December 18, 2000.

Claim 27 was cancelled by amendment on February 4, 2005.

Claims 19-26, 28 and 29 are pending and appealed. All of these claims stand rejected. The claims are presented in the Claims Appendix herewith.

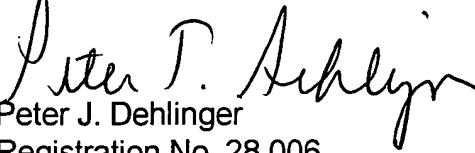
## APPENDIX C: RELATED PROCEEDINGS

None

The Applicants submit that the above statement of the status of all claims and Appendix C fully comply with 37 CFR §41.37(c)(1)(iii), and 37 CFR §41.37(c)(1)(x) and entry of the amendment is respectfully requested.

Date: Nov 10, 2006

Respectfully submitted,

  
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